

AVAILABILITY OF THIRD MODIFIED TEXT

NOTICE IS HEREBY GIVEN that the Board of Occupational Therapy has proposed modifications to the proposed text of CCR Section 4170 in Division 39, Title 16. A copy of the modified text is enclosed.

Any person who wishes to comment on the proposed modifications may do so by submitting written comments on or before 5:00 PM on July 10, 2013, to the following:

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DATED: June 25, 2013

A handwritten signature in black ink, appearing to read "H. Martin", is written over a horizontal line.

HEATHER MARTIN
Executive Officer
CA Board of Occupational Therapy

CALIFORNIA BOARD OF OCCUPATIONAL THERAPY

Specific Language

Proposed amendments are shown by ~~strikeout~~ for deleted text and underlined for new text.

Modified text is shown by ~~double strikeout~~ for deleted text and double underline for new text.

Second Modified text is shown by ~~double strikeout with highlight~~ for deleted text and double underline with highlight for new text.

Third Modified text is shown by ~~***bold italic strikeout***~~ for deleted text and ***bold italic underline*** for new text.

Amend Title 16, Division 39, California Code of Regulations to read as follows:

§ 4170. Ethical Standards of Practice

A violation of any ethical standard of practice constitutes grounds for disciplinary action. Every person who holds a license, ~~certificate or~~ a limited permit issued by the board, or ~~is practicing on a license issued by another state,~~ shall comply with the following ethical standards of practice:

(a) Occupational therapy practitioners shall comply with state and federal laws pertaining to discrimination.

(1) Occupational therapy practitioner's services shall be provided ~~services that reflect an understanding of how services can be affected by~~ consistent with socio-economic factors such as economic status, age, ethnicity, race, disability, marital status, sexual orientation, gender, gender identity, religion, residence, culture and political affiliation and insurance coverage.

(2) An occupational therapy practitioner offering pro bono ("for the good") or reduced-fee occupational therapy services shall exercise the same standard of care when providing those services.

(b) Occupational therapy practitioners shall take reasonable precautions to avoid imposing or inflicting harm upon the client or to his or her property.

(1) Occupational therapy practitioners shall not exploit ~~clients in any manner or harm~~ recipients of occupational therapy services, students, research participants, or employees.

(2) Occupational therapy practitioners shall, ***while a relationship exists as an occupational therapy practitioner, educator, researcher, supervisor, or employer*** and within six (6) months of termination of occupational therapy services, avoid relationships which may include emotional, physical, psychological, financial, social or ***any other manner the like***, or activities that interfere with professional judgment and objectivity including avoiding:

(A) Any sexual relationship, whether consensual or nonconsensual, with any recipient of service, including family or significant other, student, research participant, or employee, ~~while a relationship exists as an occupational therapy practitioner, educator, researcher, supervisor, or employer,~~ and

(B) Bartering for services or any relationship established as an occupational therapist or occupational therapy assistant to further one's own physical, emotional, financial, political, or business interests at the expense of the best interests of recipients of services, or the potential for exploitation and conflict of interest.

(c) Occupational therapy practitioners shall collaborate with clients, caretakers or other legal guardians in setting goals and priorities throughout the intervention process.

(1) Occupational therapy practitioners shall fully inform the client of the nature, risks, and potential outcomes of any interventions.

(2) Occupational therapy practitioners shall obtain informed consent from clients involved in research activities and indicate in the medical record that they have fully informed the client of potential risks and outcomes.

(3) Occupational therapy practitioners shall respect the client's right to refuse professional services, including to receive services delivered via telehealth, or involvement in research or educational activities.

(4) Occupational therapy practitioners shall maintain patient confidentiality unless otherwise mandated by local, state or federal regulations.

(d) Occupational therapy practitioners shall perform occupational therapy services only when they are qualified by education, training, and experience to do so.

~~(1) Occupational therapy practitioners shall hold the appropriate credentials for the services they provide.~~

~~(2) Occupational therapy practitioners~~ and shall refer to or consult with other service providers whenever such a referral or consultation is necessary for the care of the client. Such referral or consultation ~~should~~ shall be done in collaboration with the client.

(e) Occupational therapy practitioners shall, through professional development units required for license renewal or in other ways assure continued competence with respect to their own current practice and technology.

(f) Occupational therapy practitioners shall report to the ~~appropriate authorities~~ Board any acts committed by another occupational therapy practitioner that they have reason to believe are unethical or illegal in practice, education, research, billing, ~~and or~~ documentation, and shall cooperate with the Board by providing information, documentation, declarations, or assistance as may be ~~required~~ allowed by law.

(g) Occupational therapy practitioners shall make all other mandatory reporting to the appropriate authorities as required by law.

~~(e)~~ **(g) (h)** Occupational therapy practitioners shall comply with the Occupational Therapy Practice Act, the California Code of Regulations, and all other related local, state, and federal laws, and shall comply with the following:

(1) Practice occupational therapy only when holding a current and valid license issued by the Board, and appropriate national, state, or other requisite credentials for the services they provide; and

(2) Practice occupational therapy within his or her own level of competence and scope of practice.

~~(f)~~ **(h) (i)** Occupational therapy practitioners shall provide accurate information about occupational therapy services.

- ~~(1) Occupational therapy practitioners and~~ shall accurately represent their credentials, qualifications, education, experience, training, and competence.
- (2) ~~(i)~~ (j) Occupational therapy practitioners shall disclose any professional, personal, financial, business, or volunteer affiliations that may pose a conflict of interest to those with whom they may establish a professional, contractual, or other working relationship.
- (3) ~~(j)~~ (k) Occupational therapy practitioners shall ~~refrain from using~~ not use or participate in the use of any form of communication that contains false, fraudulent, deceptive statements or claims.
- ~~(g)~~ (k) (l) Occupational therapy practitioners shall report to the Board acts constituting grounds for discipline as defined in Section 2570.28 of the Occupational Therapy Practice Act.
- ~~(h) Occupational Therapy practitioners shall abide by the standards set forth in the American Occupational Therapy Association's "Occupational Therapy Code of Ethics and Ethics Standards" (2010), incorporated herein by reference.~~

Note: Authority Cited: Business and Professions Code section 2570.20. Reference: Business and Professions Code section 2570.20 and 2570.36.